IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 21615 of 2000

Between:

Sri.Moogala Brahmaiah, S/o Raja Ram,
R/o Maqdoompur Village, Gorepalli (Via), Karimnagar T.Q & District.

..... PETITIONER

AND

1 Union of India, Rep. by its Deputy Secretary Fighters Division,
Lok Nayak Bhavan, Khan Market,
New Delhi.
2 Government of Andhra Pradesh, Rep. by its Secretary to Government, Revenue (FF) Department,
Andhra Pradesh Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the impugned the action of the 1st respondent herein in not considering the case of the petitioner for grant of freedom fighter pension as per recommendation made by the 2nd respondent through his letter no.8052/FF. II/A4/(93.1) dt. 8.10.93 as illegal, void, *abintio* and direct the 1st respondent herein to grant freedom fighter pension to the petitioner under the scheme in light of the 2nd respondent's recommendations mentioned supra from the date of the petitioner's application in the interest of the justice and equity and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.Y.RAMA RAO

Counsel for the Respondent No. 2: GP FOR REVENUE.

Counsel for the Respondent No. 1: SC for Central Government.

The Court made the following:

ORAL ORDER:

The grievance of the petitioner who is a freedom fighter is that the first respondent has not considered his request for grant of pension under Swatanthra Sainik Samman Pension Scheme 1980, as per the recommendations made by the 2nd respondent in his proceedings letter no. 8052/FF-II/A4/(93.1) dated 8-10-1993.

It is submitted that the Government of India has introduced Freedom Fighters Pension scheme to the freedom fighters who have participated in the freedom struggle and against the Nizam Government and who have sacrificed their lives and youth for liberation from the then Nizam Government and merge of the Hyderabad State into Union of India and that the said scheme was renamed as Swatanthra Sainik Samman in 1980. He further submitted that on his request, the District Collector, Karimnagar, recommended his case vide his letter No. D1/1125/92, dated
29-10-1992, but his case has not been considered. Hence the present writ petition.

After receipt of notice, the first respondent filed counter stating that the claim of the petitioner was considered for grant of pension under the said scheme but he was not found eligible in accordance with the guidelines issued by the apex Court in *M.L. BHANDARI AND OTHERS VS. UNION OF INDIA*. It is further submitted that the petitioner was also informed about the reasons for rejection by a letter dated 22.6.2001. Therefore, if the petitioner is really aggrieved by the rejection of his case, he is entitled to question the same.

Having regard to the facts and circumstances of the case, I see no reasons to entertain the writ petition and accordingly the same is dismissed as devoid of merit. No costs.

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kvsn 22-06-2005

To

1 The Deputy Secretary, Fighters Division, Union of India,
Lok Nayak Bhavan, Khan Market, New Delhi.
2 Secretary to Government, Revenue (FF) Department,
Andhra Pradesh Secretariat, Hyderabad.

3 Two CCs to GP for Revenue, High Court buildings, Hyderabad.

4 Two CD copies.